

RECEIVED
CENTRAL FAX CENTER

SEP 20 2004

**FACSIMILE
TRANSMISSION
TO USPTO**

CERTIFICATION OF FACSIMILE TRANSMISSION:

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE
TRANSMITTED TO THE USPTO ON THE DATE SHOWN BELOW:

Date of Transmission: September 20 2004

Name of Person Making Transmission: Teri McDonald

Signature: *Teri McDonald* 9/20/04

DOCUMENT(S) FAXED:

PAGES ATTACHED:

Re Applic of	International Business Machines Corporation
Docket No.	FIS920030198US1
Serial No.	10/605,134
Filing Date	9/10/03
Attorney	H. Daniel Schnurmann

Attached: Response to Restriction Requirement

PLEASE DELIVER TO:**EXAMINER:** Fernando L. Toledo**ART UNIT:** 2823**PHONE NO:****FAX NO:** 703-872-9306

THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN THE ORIGINAL MESSAGE TO US AT THE ADDRESS TO THE RIGHT VIA THE U.S. POSTAL SERVICE.

**INTERNATIONAL BUSINESS MACHINES
CORPORATION**

Intellectual Property Law
East Fishkill Facility
2070 Route 52
Hopewell Junction
New York 12533-6531

Fax: 845-892-6363
Phone: 845-894-2580

RECEIVED
CENTRAL FAX CENTER

SEP 20 2004

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING SENT VIA Facsimile Transmission to:
COMMISSIONER OF PATENTS AND TRADEMARKS, Alexandria VA. 22313, on September 20, 2004 by: Teri
McDonald



Signature & Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	
In re application of: Huajie Chen, et al.	Date: September 20, 2004
Serial Number: 10/605,134	Examiner: Fernando L. Toledo
Filed: 9/10/03	Group Art Unit: 2823
Title: Structure and Method of Making Strained Channel CMOS Transistors Having Lattice-Mismatched Epitaxial Extension and Source and Drain Regions	IBM Corporation D/18G, B/300, Zip 482 2070 Route 52 Hopewell Junction, NY 12533-6531

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents and Trademarks
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated September 9, 2004.

The Examiner in the Office Action has required restriction under 35 U.S.C. 121, stating that the claims belong to:

GROUP I, Claims 1-12, drawn to a device, and


GROUP II, Claims 13-28, drawn to a method.

Applicants elect to prosecute the invention of GROUP I, consisting of Claims 1-12, and withdraw from consideration the claims forming GROUP II, as being drawn to non-elected invention, without prejudice to the Applicants' right to file a Divisional or Continuation or Continuation-in-Part Patent Application for the withdrawn claims.

Therefore, the invention of GROUP II, namely, Claims 13-28 can be withdrawn by the Examiner under 37 C.F.R. 1.142 b), as being drawn to a non-elected invention.

The election of claims is made without traverse.

Respectfully submitted,
HUAJIE CHEN ET AL.

By: 
H. Daniel Schmittmann, Agent
Registration No. 35,791
Tel. No. (845) 894 2481